

**THE CORPORATION OF  
TOWNSHIP OF WHITEWATER REGION**

**BY-LAW NUMBER 11-03-480**

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**A By-Law authorizing the Township to enter into a Private Road Agreement with Gillan Robertson**

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**WHEREAS** Gillan Robertson is the owner of PT LT 27, CON EAST FRONT B, being Parts 1 and 4 WESTMEATH, TOWNSHIP OF WHITEWATER REGION;

**AND WHEREAS** Gillan Robertson has applied to the County of Renfrew for consent approval(s) of residential lot File Number B82/10(1) and B83/10(2) and such approval(s) dated the 13<sup>th</sup> day of October, 2010 have been granted subject to the execution and registration of a Private Road Agreement between the Owner and the Township be on title;

**AND WHEREAS** Section 53(12) of the Planning Act, R.S.O. 1990, c.P.13, affords council the same powers with respect to a consent as the approval authority has with respect to an approval of a plan of subdivision under Section 51 (25) of the Planning Act;

**AND WHEREAS** Section 51(26) of the Planning Act provides for the Municipality to enter into an Agreement as a condition of the approval of subdivision of a lot which Agreement may be registered on title and is enforceable by the Municipality against all subsequent purchases of the land;

**AND WHEREAS** Gillan Robertson has asked the Council of the Corporation of the Township of Whitewater Region to enter into a Private Road Agreement;

**NOW THEREFORE** the Council of the Corporation of the Township of Whitewater Region hereby ENACTS AS FOLLOWS:

1. **THAT** The Corporation of the Township of Whitewater Region enter into a Private Road Agreement with Gillan Robertson, of which the agreement is attached and marked as Schedule "A" to this By-law.
2. **THAT** the Council of the Township of Whitewater Region hereby authorize the execution of the Development Agreement.
3. **THAT** the Mayor and CAO/Clerk be authorized to execute the said Private Road Agreement together with all documents relating thereto, and further, to make such other motions as may be necessary to complete this matter.

THIS BYLAW shall come into effect upon the passing thereof and subsequent registration at the Land Registry Office for the Registry Division for the County of Renfrew.

Read a First, Second and finally passed on the Third Reading this 23<sup>rd</sup> day of March, 2011.

  
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James Labow, Mayor

  
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Dean Sauriol, CAO/Clerk

## **PRIVATE ROAD AGREEMENT**

**BETWEEN:**

**THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION**

**“Hereinafter referred to as “the Municipality”**

**- AND -**

**Gillan Robertson**

**“Hereinafter referred to as “the Owner”**

**WHEREAS** 2001, c.25, s. 23 of the Municipal Act provides for the Municipality to enter into an Agreement with any person to construct, maintain and operate a private road or a private water or sewage works, including fire hydrants which Agreement may be registered on title and is enforceable by the Municipality against all subsequent purchases of the land.

**AND WHEREAS** a decision dated the 13<sup>th</sup> day of October 2010 has been issued pursuant to Section 53 of the Ontario Planning Act by the Land Division Committee of the County of Renfrew granting a consent subject to the entering into and registration of a Private Road Agreement with the Municipality.

**AND WHEREAS** the Owner owns Part Lot 27, Concession East Front B, Being Parts 1, 2, 3 and 4, 49R-17474, Geographic Township of Westmeath, Now in the Township of Whitewater Region, Being Part of PIN 57205-0097(LT)

**IN CONSIDERATION** of the premises and the mutual covenants contained in this Agreement, and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by each of the parties) the parties agree as follows:

1. The Owner agrees that Parts 2 & 3, 49R-17474 being Part of PIN 57205-0097 (LT) are accessed by a private road described as Parts 1 & 4 on Plan 49R-17474, Being part of PIN 57205-0097 (LT) which road is not maintained by the Municipality and for which the Municipality has no responsibility for maintenance or services. It is further understood that the Municipality does not plan to provide any road maintenance or services.
2. The Owner agrees to construct the private road being Parts 1 & 4, 49R-17474 being part of PIN 57205-0097 (LT) to a standard as required by and approved by the Road Superintendent for the Municipality and further agrees to maintain the same for emergency vehicles, etc. to a standard required by the Municipality.
3. The Owner further acknowledges and agrees that the Municipality is not obliged to

provide a building permit with respect to Parts 2 & 3, 49R-17474, being part of PIN 57205-0097 (LT) until such time as the Municipality has approved the construction of the private access road.

4. The Owner agrees to register the said Agreement in the Land Titles Office for the County of Renfrew on the title for the lands described as Parts 1, 2, 3 & 4, 49R-17474, being part of PIN 57205-0097 (LT)
5. The Owner agrees to notify any subsequent purchaser of Parts 1, 2, 3 & 4, 49R-17474, being part of PIN 57205-0097 (LT) of the said lands.
6. The Owner and the Municipality acknowledge that this Agreement will be binding on subsequent purchasers and owners of Parts 1, 2, 3 & 4, 49R-17474, being part of PIN 57205-0097 (LT). This agreement shall enure to the benefit of and be binding on the respective heirs, executors, administrators and assigns of each of the parties to it.

Dated at Cobden, Ontario this 23<sup>rd</sup> day of March, 2011.

The Corporation of the Township of Whitewater Region

Per: \_\_\_\_\_

Name: ~~Donald Rathwell~~ James Cahaw

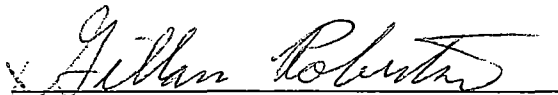
Title: ~~Reeve~~ Mayor

Per: \_\_\_\_\_

Name: Dean Sauriol

Title: Chief Administrative Officer

Dated at Pembroke, Ontario this 9<sup>th</sup> day of March, 2011.

  
Gillan Robertson